

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

March 9, 2011
9:00 a.m.

Members present: Chairman Gilbert, Vice Chairman Christie, Councilors Butler, Czysz, Gosse, Henderson, Hinds, Hoyt, Rawnsley, and Varotsis

Members absent: Councilors Barrett, Densberger, Dupee, Harrington, Lyons, Rastallis

Chairman Gilbert called the meeting to order at 9:00 a.m. and introductions were made. Welcomed to the Council was the new Recreation Community member, Edward Hoyt.

1. Approval of Minutes of December 8, 2010 and February 9, 2011 Meetings

Tabled until later in the meeting.

2. Status of Appeals

Tabled until later in the meeting.

3. Env-WQ 1000 Amendments to Subsurface Rules

Rob Tardif, Subsurface Bureau Acting Administrator

Rob answered questions and reviewed the comments received at the public hearing. The public comment period has closed and some amendments have been made. There is a draft summary of all the public comments/DES' responses. They will be sent to the Council at a later date. The goal is to get them to April JLCAR meeting. The Council will vote on them for concurrence in April.

4. Env-Wq 1708 Amendments to the Water Quality Regulations

Paul Currier, Watershed Management Bureau Administrator

Paul went over the upcoming schedule for the amendments to the Water Quality Standards. Initial proposal has been filed and the Hearing is April 14th in the afternoon. Another hearing at the meeting will be a general hearing on water quality standards to get input on the Triennial Review. The Triennial Review is a required part of Clean Water Act to adopt water quality standards and see that they are current and being followed. This develops a work plan for the Water Quality Standards Advisory Committee and for DES. Specific changes are for anti-degradation review and water transfers. Rule changes better describes process. Paul answered questions and took comments from the Council. Steve Densberger is the Water Council's representative on the WQSAC. They will ask for Water Council concurrence in May.

2. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals.

I. New appeals.

Docket No. 11-01 – Jean Gagnon Sr.

RE: Site Specific Application #060705-01 for Terra Firma Real Estate, Brown Hill Rd Phase III
Presiding Officer: Not Assigned

Status: A complete Appeal was received February 1, 2011.

- ***Councilor Varotsis made a motion to deny the appeal as it was not timely filed, second by Councilor Czysz. Motion passed, with two abstentions.***

Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Not Assigned

Status: Council to vote whether or not to accept the appeal.

- ***Councilor Butler made a motion to accept, second by Councilor Czysz. Motion passed with one nay and 2 abstentions.***

II. Previously pending cases.

Docket No. 04-19 WC - Town of Newport

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Status: Appeal has been withdrawn.

Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Status: A Pre Hearing Conference(PHC) will be scheduled for April 20, 2011 and a hearing is scheduled for August 10, 2011 at 10:00 a.m.

Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08

Status: A PHC is scheduled for March 29, 2011 at 9:00 a.m. A hearing is scheduled for May 11, 2011.

Docket No. 08-61 WC - Norman and Patricia Bureau

RE: 11/4/08 Administrative Order No. 08-044 WD - Alteration of Terrain at 5 Christopher Road & 6 Steep St., in Merrimack

Status: Appellant has withdrawn the appeal.

Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag

Status: Please see status report from last month's meeting when no quorum was present. It was decided that a status report will be requested monthly.

Docket No. 09-14 WC - Andrew and Karen Goldstein

RE: 3/17/09 Administrative Order No. 09-006 WD

Status: A hearing is scheduled for April 13, 2011 at 10:00 a.m.

Docket No. 09-34 WC – Ashuelot Pond Association

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District

Status: A PHC is scheduled for March 29, 2011 at 10:00 a.m. A hearing is scheduled for June 8, 2011.

Docket No. 10-09 WC – Lake Waukewan

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10

Presiding Officer: Christopher Rawnsley

Status: A PHC is scheduled for March 29, 2011 at 11:00 a.m. A hearing is scheduled for July 13, 2011.

III. Decision and Orders that need to be written, finalized and issued.

Docket No. 04-18 WC - Thaddeus Dymon

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Presiding Officer: Joel Harrington

Status: Council dismissed at the September 8, 2010 Council meeting. A Decision and Order needs to be finalized.

Docket No. 08-27 WC - Moody Point Company

RE: 5/19/08 Administrative Order No. 08-027 WD

Presiding Officer: Christopher Rawnsley

Status: Councilor Rawnsley drafted the decision and order, which needs some updating and will be sent to Council's attorney for review. The decision and order will be e-mailed to the Council members prior to the next Council meeting.

Docket No. 08-29 WC - Silver Lake

RE: Notice of Determination of Natural Mean High Water Mark Evaluation dated 5/29/08

Presiding Officer: Stephen Densberger

Status: Councilor Densberger drafted the decision and order. It has been sent to the Council's attorney for review. The decision and order will be e-mailed to the Council members prior to the next Council meeting.

Docket No. 09-24 WC – Lake Sunapee Protective Association

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: A decision and order is currently being drafted.

Docket No. 09-27 WC – Homes for a Life Time, LLC

RE: 5/28/09 Denial of Alteration of Terrain Permit Application No. 081231025

Presiding Officer: Christopher Rawnsley

Status: A decision and order is attached for review and approval.

- ***Councilor Butler made a motion to accept the Decision and Order, second by Councilor Christie. Chairman Gilbert gave the Council time to read and review the Decision and Order. Councilor Varotsis moved the question. Motion passed unanimously with 3 abstentions.***

2. Continued: Approval of Minutes of December 8, 2010 and February 9, 2011 Meetings

- ***Councilor Varotsis made a motion to accept the minutes of December 8, 2010, second by Councilor Butler. Motion passed unanimously with 3 abstentions.***
- ***Councilor Hinds made a motion to approve the February 9, 2011 minutes with modifications noted(there was no quorum present in February), second by Councilor Rawnsley. Motion passed with 3 abstentions.***

5. Legislative Update

Director Stewart.

Director Stewart distributed the table containing bills of interest (marked with asterisks) to the Water Council that DES is tracking in the House and Senate. This table is now being sent weekly to the Council. He reviewed the budget regarding the general fund, the fee funded accounts, and federal grants. He then went through the upcoming hearings which may be of interest to the council.

6. Other Business

A new and updated Council membership list will be distributed to the Council.

7. Next Meeting

Next meeting will be April 13, 2011 at 9 a.m. with a hearing at 10 a.m.

8. Adjournment

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Butler. Motion passed unanimously.***

Meeting was adjourned at 10:54 a.m.